



Sub. H.B. 701*

123rd General Assembly

(As Reported by S. State & Local Gov't & Veterans Affairs)

Reps. Peterson, Goodman, Austria, Trakas, Allen, Hollister, Buehrer, Hoops, Harris, Krupinski, Pringle, Clancy, Flannery, Evans, Terwilleger, Damschroder, A. Core, Taylor, Carey, Young, Redfern, Hughes, Amstutz, Willamowski, Grendell, Schuler, Krebs, Verich, Sulzer, Distel, Perry, Healy, Widener, D. Miller, Stevens

BILL SUMMARY

- Authorizes county auditors to allow for the registration of dogs and kennels via the Internet.
- Authorizes county auditors to accept the payment of dog and kennel registration fees by credit card, debit card, charge card, or prepaid or stored value cards.
- Provides for the retention of dog and kennel registration records only until a county audit is performed by the Auditor of State or for a period of two years, whichever is later.
- Provides an exemption from the quarantine requirement that generally applies when a dog has bitten a person, for police dogs that have bitten a person while under the care of a licensed veterinarian or while being used for law enforcement, corrections, prison or jail security, or investigative purposes.
- Substitutes a requirement that, if such a police dog subsequently exhibits any abnormal behavior, the law enforcement agency and the law enforcement officer who is assisted by the dog must make the dog available to the board of health for rabies testing.

* *This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

- Creates the offense of harassing a police dog or horse.

CONTENT AND OPERATION

Dog and kennel registrations

Existing law

Registration fees. Under current law, generally everyone who owns, keeps, or harbors a dog more than three months of age must annually register the dog with the county auditor. Similarly, a kennel owner (a person professionally engaged in the business of breeding dogs for hunting or for sale) must annually register the kennel with the county auditor. The annual dog registration fee is \$2, and the annual kennel registration fee is \$10, (1) unless, in the case of dog registration fees, the board of county commissioners sets a higher fee for dogs more than nine months of age that have not been spayed or neutered (with certain exceptions) or (2) unless the board of county commissioners by resolution increases dog and kennel registration fees in an amount not to exceed estimated necessary expenses for the administration of the Dog Law (R.C. Chapter 955.) and claims allowed for animals injured or destroyed by dogs. If the application for either type of registration is not filed and the required fee paid on or before January 31 or (in the case of a dog registration only) a later date set by the board of county commissioners, the county auditor must assess a penalty in an amount equal to the registration fee, to be paid with that fee. (Sec. 955.14; secs. 955.01, 955.02, and 955.04, not in the bill.)

Guide, leader, hearing, or support dogs are exempted from the payment of a registration fee and, once registered, need not have their registration annually renewed as long as they continue to serve in that capacity (sec. 955.011). Also, a law enforcement agency that owns, keeps, or harbors a law enforcement canine may file a special annual registration application with the county auditor for which no fee is charged (sec. 955.012).

Agents. A county auditor may authorize agents to receive applications for the registration of dogs and kennels and to issue certificates of registration and dog tags. If an authorized agent is involved, each applicant for a registration must pay the agent an additional 75¢ as an *administrative fee*, which is the agent's compensation. (Sec. 955.14(E).)

Retention of registration records. Currently, a county auditor must assign a distinctive number to every dog or dog kennel described in a registration application and deliver a certificate of registration bearing that number to the owner of the dog or dog kennel. A *permanent* record of all certificates of registration issued and the

associated applications for registration must be kept by the auditor in a special register. (Sec. 955.07.)

Changes proposed by the bill

Use of the Internet and financial transaction devices. The bill permits a county auditor to establish procedures and take actions that are necessary to allow for either or both of the following: (1) dogs and kennels to be registered *via the Internet* and (2) the payment of dog and kennel registration fees by financial transaction devices, whether or not the auditor accepts Internet payments. "Financial transaction devices" are credit cards, debit cards, charge cards, or prepaid or stored value cards.¹ (Secs. 301.28(A)(1) and 955.013(A)(1) and (B).)

Payments by financial transaction devices. Although current law requires the approval and oversight of the board of county commissioners when the cards listed above are used for payments to county officials, the bill authorizes the county auditor to accept payments made by those cards for dog or kennel registration fees without that approval or oversight. Accordingly, the bill exempts the payment of those fees to the county auditor from the definition of "county expenses" in current law pertaining to the use of those cards to pay county expenses in general. Under that law, the payment of county expenses by financial transaction devices generally must be authorized by a resolution of the board of county commissioners and comply with certain other requirements. (Secs. 301.28(A)(2) and 955.013(B)(2).)

If a county auditor accepts the payment of dog and kennel registration fees by financial transaction devices, the auditor also must collect for each registration so paid one of the following (secs. 955.14(F) and 955.20):

(1) An administrative fee of 75¢ or another amount necessary to cover actual costs designated by the county auditor;

(2) If the board of county commissioners has established a surcharge or convenience fee for making payments *of other county expenses* by a financial transaction device, that surcharge or convenience fee;

(3) If the county auditor contracts with a third party to provide services to enable registration via the Internet, a surcharge or convenience fee as agreed to between that third party and the county for those Internet registration services. Any additional expenses incurred by the county auditor that result from such a contract

¹ The "Internet" is defined as the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the World Wide Web (sec. 955.013(A)(2)).

and that are not covered by a surcharge or convenience fee must be paid out of the allowance provided to the county auditor from the county's "dog and kennel fund" created under existing law.

If any person chooses to pay a dog or kennel registration fee by financial transaction device, the applicable administrative fee, surcharge, or convenience fee mentioned above is considered voluntary and not refundable. It is in addition to any 75¢ administrative fee paid to an authorized agent of a county auditor for performing registration services. (Sec. 955.14(E) and (G).)

Also, under the bill, when a county auditor has decided to allow dog and kennel registrations via the Internet, the auditor must *conspicuously post* the amount of the applicable administrative fee, surcharge, or convenience fee mentioned above *on the web page* where the auditor accepts payments by financial transaction devices for dog and kennel registrations (sec. 955.14(G)). (See **COMMENT**.)

Registration records: required retention period. The bill also changes the requirement that the records of dog and kennel registration certificates and applications be permanently retained and instead requires their retention by a county auditor only for two years or until after a county audit is performed by the Auditor of State, whichever is later (sec. 955.07).

Police dogs exempt from quarantine

Under current law, when a dog has bitten a person, it must be quarantined for a period of ten days or such other time as the board of health determines is necessary to observe the dog for rabies (sec. 955.261(B)). The bill exempts police dogs that have bitten a person while under the care of a licensed veterinarian or while being used for law enforcement, corrections, prison or jail security, or investigative purposes from the quarantine requirement. The bill provides, instead, that if, after biting a person, a police dog *exhibits any abnormal behavior*, the law enforcement agency and the law enforcement officer who is assisted by the dog must make the dog available within a reasonable time after the bite occurs, for the board of health of the district in which the bite occurred to perform rabies testing. For purposes of this provision, a police dog is a dog that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties. (Secs. 955.261(D) and (E) and 2921.321(F)(2).)

Criminal offense of "harassing a police dog or horse"

Existing law creates the criminal offenses of assaulting a police dog or horse and assaulting a handicapped assistance dog. The bill creates the additional offense of harassing a police dog or horse. It would be committed if a person *recklessly* does any of the following: (1) taunts, torments, or strikes a police dog or horse, (2)

throws an object or substance at a police dog or horse, (3) interferes with or obstructs a police dog or horse, or interferes with or obstructs a law enforcement officer assisted by a police dog or horse in specified manners, or (4) engages in any conduct that is likely to cause serious physical injury or death to a police dog or horse.² (Sec. 2921.321(B) and (D)(2).)

Harassing a police dog or horse is a misdemeanor of the second degree if the dog or horse that is the subject of a violation does not die or is not physically harmed. If a violation results in the death of the police dog or horse, the offense is a felony of the fourth degree. If a violation results in serious physical harm to the police dog or horse but not in its death, the offense is a felony of the fifth degree. If a violation results in physical harm but not in death or serious physical harm to the police dog or horse, the offense is a misdemeanor of the first degree. (Sec. 2921.321 (D)(2).)

A person who is found guilty of harassing a police dog or horse must pay (1) any veterinary bills or bills for medication incurred by the police department as a result of the violation, (2) for any damaged equipment resulting from the violation, and (3) the cost of replacing the police dog or horse and of any further training of a new police dog or horse by a law enforcement officer that is required because of death or serious physical harm (sec. 2921.321(D)(3)).

COMMENT

The provisions of section 955.14(G) seem to imply that each county auditor and authorized agent will similarly post a conspicuous notice *in the auditor's or agent's office* of the fee or surcharge for payments made by a financial transaction device, although that posting is not expressly required.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-10-00	pp. 1940-1941
Reported, H. Local Gov't & Townships	09-26-00	pp. 2286-2290

² *The interference or obstruction referred to in item (3) must (a) inhibit or restrict the law enforcement officer's control of the police dog or horse, (b) deprive the law enforcement officer of that control, (c) release the police dog or horse from its area of control, or (d) enter that area of control without the law enforcement officer's consent, such as by placing food or another object or substance in that area of control (sec. 2921.321(B)(3)).*

Passed House (95-0)
Reported, S. State & Local
Gov't & Veterans Affairs

11-09-00

pp. 2323-2324

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